UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF VIRGINIA

Simon Chikhladze, Plaintiff
v.
United States Department of State, and X AGENCY, and X AGENT (*Defendants whose true names are currently unknown)* **Defendants**

Case No.: [Case Number]

PLAINTIFF'S MOTION FOR EARLY DISCOVERY

INTRODUCTION

Plaintiff Simon Chikhladze, by and through undersigned counsel, respectfully moves this Court for an order permitting limited early discovery pursuant to Rule 26(d)(1) of the Federal Rules of Civil Procedure. Plaintiff seeks narrowly tailored discovery to uncover critical facts regarding the potential involvement of X AGENCY or other external agencies in the denial of Plaintiff's U.S. visa application under INA § 214(b). This discovery is essential to determining whether improper factors, such as external agency influence, political orchestration, or lack of adherence to proper legal frameworks, contributed to the decision-making process.

As described in Plaintiff's statement and supported by a whistleblower's oral testimony, the visa denial appears inconsistent with Plaintiff's documented history of lawful presence, compliance with U.S. laws, and eligibility for federal programs. Additionally, the timing and circumstances of Plaintiff's visa interview further indicate the involvement of X AGENCY in the adjudication process.

BACKGROUND

1. **Plaintiff's History of Lawful Presence and U.S. Ties**
   Plaintiff's documented history demonstrates strong and legitimate ties to the United States, including:
   - Eligibility for Virginia Unemployment Insurance Benefits in 1997, which required lawful presence and compliance with federal immigration laws.

    - A U.S. Social Security Number (SSN) and participation in the U.S. tax system, reflecting consistent compliance with U.S. financial and legal obligations.
2. **Improper Use of INA § 214(b)**
   INA § 214(b) is typically applied to deny nonimmigrant visa applications where an applicant fails to demonstrate sufficient ties to their home country or an absence of intent to immigrate permanently. Plaintiff's visa denial under § 214(b) is inconsistent with his documented connections to the United States and history of lawful presence. This raises questions about whether the decision was improperly influenced by external or political factors.
3. **Potential X AGENCY Involvement and Whistleblower Testimony**
   Plaintiff has credible evidence from a whistleblower with access to relevant information confirming X AGENCY participation in the visa denial process. Specifically:
    - The whistleblower stated that an X AGENT, referred to as an "X Agency woman," was involved in the visa adjudication process and may have acted in place of a consular officer.
    - The whistleblower further revealed that Plaintiff's visa interview was scheduled at **8:30 a.m.**, prior to the arrival of Embassy staff (who typically arrived at 9:00–9:15 a.m.). This irregular scheduling ensured that Plaintiff's interview concluded before Embassy officials arrived, further suggesting X AGENCY orchestration or influence over the process.
4. **Request for Reconsideration and Investigation**
   Plaintiff has requested a transparent review of the visa denial and an investigation into potential improper influences. However, without access to critical evidence—such as communications between X AGENCY and the Department of State—Plaintiff cannot fully articulate his claims or respond to potential procedural defenses.

LEGAL STANDARD

Federal Rule of Civil Procedure 26(d)(1) permits discovery prior to the Rule 26(f) conference upon a showing of "good cause." Courts have found good cause for early discovery where the information sought is:

1. **Necessary to advance the case or preserve evidence.**
2. **Narrowly tailored to the claims at issue.**
3. **Not unduly burdensome to the responding party.**

In cases involving government defendants, early discovery is particularly appropriate where the plaintiff seeks to uncover facts critical to addressing jurisdictional challenges, sovereign immunity defenses, or procedural bars to the claims.

ARGUMENT

1. Early Discovery is Necessary to Advance the Case and Address Procedural Challenges.
The heart of Plaintiff's claims lies in the allegation that the visa denial was improperly influenced by external factors, including X AGENCY involvement. Early discovery is necessary to:

- Confirm the whistleblower's account of X AGENCY participation in the visa adjudication process.
- Identify the role of the X AGENT in the visa adjudication process.
- Determine whether the X AGENT's actions were lawful or ultra vires.
- Uncover evidence of potential political interference or orchestration.
- Respond to anticipated defenses, including sovereign immunity and failure to state a claim.

Without early discovery, Plaintiff will be unable to fully articulate his claims or address jurisdictional and procedural challenges.

2. The Requested Discovery is Narrowly Tailored.
Plaintiff seeks only limited and specific discovery focusing on X AGENCY's involvement and the basis for the visa denial. The proposed discovery requests are as follows:

- **Document Requests:**
    1. All communications between the X AGENCY and the U.S. Department of State regarding Plaintiff's visa application.
    2. Records documenting the presence, role, or actions of X AGENT allegedly involved in the visa adjudication process.
    3. Policies, procedures, or authorizations permitting X AGENCY agents to participate in visa adjudications.
    4. Memoranda, reports, or recommendations related to the denial of Plaintiff's visa under INA § 214(b).
- **Interrogatories:**
    1. Identify X AGENT involved in Plaintiff's visa adjudication and describe her role in the process.

2. Describe any communications between X AGENCY, and the Department of State, regarding Plaintiff's visa application.
3. Provide details about the scheduling of Plaintiff's visa interview, including the decision to schedule it at 8:30 a.m., prior to the arrival of Embassy staff.

These requests are narrowly tailored to uncover facts directly relevant to Plaintiff's claims and do not impose an undue burden on Defendants.

3. Early Discovery Will Not Prejudice or Unduly Burden Defendants.
The requested discovery focuses exclusively on records and communications that are already in the possession of Defendants. Producing these records will not place an undue burden on the government, as the scope of the requests is limited and directly relevant to the claims. Moreover, early discovery will help ensure that critical evidence is preserved and will promote judicial efficiency by clarifying the key issues in the case.

4. Early Discovery is Warranted to Preserve Key Evidence.
Given the whistleblower's allegations of X AGENCY involvement and the irregular scheduling of Plaintiff's visa interview, early discovery is necessary to preserve critical evidence. Communications and records related to X AGENT's role are essential to Plaintiff's claims and may be at risk of destruction or alteration if not promptly preserved.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court grant this Motion for Early Discovery and permit Plaintiff to serve the proposed discovery requests on Defendants.

Dated: March 5, 2026
Respectfully submitted,
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